



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,601	09/18/2000	Jim B. Estipona	INTL-0450-US(P9561)	4352

7590 12/14/2005
Timothy N Trop
Trop Pruner & Hu PC
8554 Katy Freeway
Ste. 100
Houston, TX 77024

EXAMINER

HUYNH, SON P

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/663,601

Applicant(s)

ESTIPONA, JIM B.

Examiner

Son P. Huynh

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-10 and 13-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-10 and 13-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/06/2005 regarding claims 1, 4-10, 13-21, as amended, have been fully considered but they are not persuasive.

Applicant argues the amended claims providing a real time event instead of using scripts (page 5, lines 8).

In response, the independent claims recite "transmitting a real time event; and transitioning display... in response to said real time event..." . ATVEF discloses triggers are real-time events delivered for the enhanced TV program. (page 6, section 1.1.5, lines page 16, section 3.1.2, lines 1-2). The triggers contain "scripts" which is executed through the trigger receiver object (page 6, section 1.1.5 and section 2.3, paragraph 3). Some triggers to be able to send scripts to the current enhancement without presenting the user with the opportunity to navigate to that enhancement. The enhancement should navigate themselves (via trigger scripts or some other scripting mechanism) to full screen television ("tv:") when the program or commercial end (page 27, paragraph 6 and bridge paragraph between page 27 and page 28). Thus, the "real time event" is met by the trigger or trigger scripts since the triggers are real time events. The claimed feature of transitioning display ... in response to said real time event is met by

Art Unit: 2611

transitioning display of the program to full screen television... in response to trigger/real time event (via trigger scripts or some other scripting mechanism, "tv:").

For the reason given above, the rejections on claims 1, 4-10, 13-21 are analyzed as discussed below.

Claims 2-3, 11-12, 22-30 have been canceled.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4-10, 13-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Advance Television Enhance Forum Specification (ATVEF).

Regarding claim 1, ATVEF teaches a method comprising:

transmitting an enhanced television program and a real time event/trigger (page 1, Abstract, lines 1-5, page 6, section 1.1.5, paragraphs 1-2, page 12, section 2.3); and

Art Unit: 2611

automatically transitioning display of the program to full screen at the end of the program in response to the real time event/trigger (i.e. via trigger scripts, "tv:") – see including, but not limited to, page 6, section 1.1.5 and section 2.3, paragraph 3, page 27, paragraph 6, bridge paragraph of page 27 and page 28). Since the enhancement is "shut down" (bridge paragraph of page 27 and page 28), accessing enhancement is prevent.

Regarding claim 4, ATVEF further teaches transmitting the real time event through an Internet Protocol multicast (page 12, lines 16-18; page 13, section 3.1, page 16, section 3.1.2).

Regarding claim 5, ATVEF further teaches transmitting a real time event including transmitting a trigger (page 6, section 1.1.5, page 16, section 3.1.2).

Regarding claim 6, ATVEF further teaches transmitting a trigger includes transmitting a trigger with a Uniform Resource Locator (page 6, section 1.1.5, page 16, section 3.1.2).

Regarding claim 7, ATVEF further transmitting a Uniform Resource Locator includes transmitting a Uniform Resource Locator using the tv: protocol (page 5, section 1.1.3, page 17, Appendix A, lines 1-3; page 18, item 5).

Art Unit: 2611

Regarding claim 8, ATVEF further transmitting a real time event that warns that the end of a program is approaching (page 33, last six lines).

Regarding claim 9, ATVEF further discloses enabling the user to elect to retain enhancements after receiving the real time event warning of the end of the program (page 28, paragraphs 2-3).

Regarding claim 10, the limitations of the article correspond to the limitations of the method as claimed in claim 1. ATVEF further discloses the receiver comprises software used to perform the instructions (page 3, paragraphs 4-5). Thus, rejection of claim 10 is analyzed as discussed in the rejection of claim 1.

Regarding claims 13-14 and 16, the limitations of an article as claimed correspond to the limitations of the method as discussed in the rejection of claims 5,8-9 respectively, and are analyzed as discussed with respect to the rejection of claims 5,8-9.

Regarding claim 15, the limitations of the article as claimed correspond to the limitations of the method as claimed in claims 6, 7, and are analyzed as discussed with respect to the rejection of claims 6 and 7.

Regarding claim 17, the limitations of the system as claimed correspond to the limitations of the method as claimed in claim 1, and are analyzed as discussed in the

Art Unit: 2611

rejection of claim 1, wherein the claimed storage is met by the memory at the receiver and the processor is met by the processor/CPU that control operation of the receiver (page 3, paragraph 4, page 9, section 1.1.7, page 11, section 2.2).

Regarding claims 18-21, the limitations of the system as claimed correspond to the limitations of the article as claimed in claims 13, 15, 14, 16 respectively, and are analyzed as discussed with respect to the rejection of claims 13, 15, 14, 16.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SPH
December 9, 2005


CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800